

**REMARKS/ARGUMENTS**

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 2, 6 and 11 have been canceled and independent claims 1 and 10 have been amended. Thus, claims 1, 3-5, 7-10 and 12-19 are pending.

Claims 1-2, 6, 10-11, 15 and 19 have been rejected under 35 USC 102(b) as being anticipated by Armstrong. Claims 3-4 and 12-13 have been rejected as being obvious over NHL 2001 in view of Armstrong. Claims 5, 7-9, 14 and 16-18 have been rejected under 35 USC 103(a) as being obvious over NBA Live 2001 in view of Armstrong. For at least the reasons set forth below, Applicant respectfully submits that the amended claims herein patentably distinguish the prior art of record.

While Armstrong teaches the use of an analog button on a controller for choosing the action intensity of imagery during a game, it does not teach or suggest "adjusting at least one player parameter related to the selected animation action based on the adrenaline value, wherein the parameter influences the success or failure of the action represented by the selected animated action," as required by amended claim 1.

Armstrong also fails to teach or suggest "performing the animated action using the at least one adjusted character parameter, wherein the at least one adjusted character parameter is related to the animated action and influences the success or failure of the action depicted by the animated action," as required by amended claim 10. While

Armstrong teaches control over the intensity of the animated action, it does not teach or

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suggest the parameter adjustment feature which influences the success of the action represented by the animation, as now claimed. Thus, Applicant respectfully submits that Armstrong does not anticipate or render obvious any of the pending claims.

Applicant further submits that neither NHL 2001 nor NBA Live 2001 make up for the deficiencies of Armstrong. These references both indicate that "analog control" is contemplated, there is no teaching or suggestion in these references to use the analog control in the manner defined in amended claims 1 and 10 herein. Thus, Applicant respectfully submits that the combined teachings of the cited references does not establish a *prima facie* case of obviousness under Section 103. Thus, reconsideration and withdrawal of the rejections are respectfully requested.

In view of the amendments and remarks herein, Applicant believes that the pending claims patentably distinguish the prior art of record and are in condition for allowance. Thus, withdrawal of the rejections and passage of this case to issuance at an early date are earnestly solicited.

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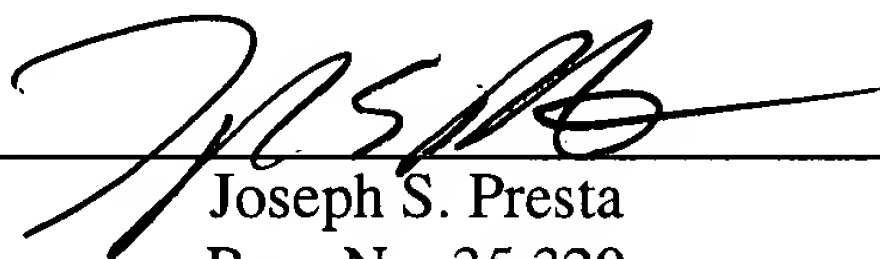
MAYER et al.  
Appl. No. 09/960,702  
August 21, 2003

Should the Examiner have any questions regarding this response, or deem that any further issues need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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